

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID AVES

Application No. 09/320,303

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on July 18, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

An amendment after final was filed by appellant on August 16, 2002 (Paper No. 8). The Advisory Action mailed September 25, 2002 (Paper No. 9) indicated that such amendment would be entered upon filing an appeal. Both, the Appeal Brief filed December 30, 2002 (Paper No. 12) and the Examiner's Answer mailed January 29, 2003 (Paper No. 13) indicate that this

amendment has been entered. A review of the record indicates the amendment was not physically entered. This defect was previously mentioned in an ORDER RETURNING UNDOCKETED APPEAL which was mailed on June 24, 2003 (Paper No. 18).

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for physical entry of the amendment filed August 16, 2002 (Paper No. 8);
2. for notification to appellant in writing of the action taken; and
3. for such further action as may be appropriate.

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By:



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